

**Notice of Allowability**

Application No.

10/083,662

Applicant(s)

NAKAGAWA ET AL.

Examiner

Warner Wong

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/10/07.
2. ☒ The allowed claim(s) is/are 1,3,4,8,11,13-15,19,22,23 and 26-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronni Jillions (Reg. No. 31,979) on July 23, 2007. The claims are amended as follow:

- **Claim 14, line 17**, the limitation "at lest" is grammatically corrected as "at least".
- **Claim 26, line 17**, the limitation "said schedule management pat" is grammatically corrected as "said schedule management part".

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The present invention is directed to data broadcasting system (fig. 1), with the data broadcaster as the data transmitting apparatus.

**Claim 1** identifies the uniquely distinct feature: "subareas increasing in maximum size or subareas to be added exist, said storage management part keeps a subarea change history, whereby said schedule management part uses the subarea change history to perform scheduling so that added data or increase data is preceded by contents data in subareas decreasing in maximum size with a period satisfying a placement condition or deleted content data."

**Claims 14 & 15** each identify the uniquely distinct feature: "the database part holds a maximum size [of each] of at least one subareas to which a maximum storage size of a receiving machine is split and allocated, whereby, when contents data with a subarea specified is inputted from said data input part, said storage management part checks whether the size of the contents data does not exceed a maximum size of each subareas, and holds only contents data passing the checking in said database part. "

For the above claims, the closest prior art, Ngai (US 6,574,717) discloses the conventional update data storage in database computing platform (without consideration of scheduling of transmission needs), either singularly or in combination, fail to anticipate or render the above features obvious.

**Claim 22** identifies the uniquely distinct features: "for each receiving machine, information about acquisition by receiving machines of delete instructions distributed

over a communication line, whereby said storage management part creates, for each of said receiving machines, a delete instruction specifying a list consisting of contents data to be deleted, not acquired by said receiving machine, and said communication part distributes the delete instruction.”

**Claim 26** identifies the uniquely distinct features: “when receive conditions to be set in contents data within an identical group are changed, or when the attribute information held in the receiving machine may be changed, said schedule management part creates, for each contents data, transmitting data provided with data containing an indication to delete other contents data within the same group as the content data, said transmitting part transmit the transmitting data.”

For the above claims, the closest prior art, Barton (WO 00/59223) discloses the conventional client database with self-updates to its data storage, fail to anticipate or render the above features obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ngai (US 6,574,717) describing a technique for time-based retention of a reusable resource, Keller (US 2002/012012) describing the server for transmitting images in its database, Kurihara (US 2002/0069209) describing a MPEG

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content managing system/server, Hoang (US 6,557,030) describing a system/method for providing VOD services for broadcasting systems and Freeman (US 2002/0188943) describing system for broadcasting of interactive video.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Warner Wong whose telephone number is 571-272-8197. The examiner can normally be reached on 6:30AM - 3:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on 571-272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KWANG BIN YAO  
SUPERVISORY PATENT EXAMINER



Warner Wong  
Examiner  
Art Unit 2616

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